123 RCCC PT/FIC SI WAR 2006
PTO/SB/21 (09-04) MODIFIED

	Application Number:	10/534,099		
TRANSMITTAL	Filing Date:	MAY 6, 2065		
	First Named Inventor:	BENOIT DE CROMBRUGGHE		
FORM	Art Unit:	Unknown		
	Examiner Name:	Unknown		
Total Number of Pages in this Submission:	Attorney Docket Number:	UTSC:772US		
ENCLOSURES (check all that apply)				
	Drawings(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation, Change of Correspondence Address Statement under 37 CFR §3.73(b) Designation of Patent Practitioners Terminal Disclaimer Request for Refund CD, Number CD(s) Landscape Table on CD ATURE OF APPLICANT, ATTOR L.P.	Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below) Check in the amount of \$60.00 Authorized to be charged to deposit account if check insufficient or inadvertently omitted Deposit account number: 50-1212/UTSC:772US Sequence Statement Paper Copy of Sequence Listing Computer Readable Form (CRF) Postcard Notification of Defective Response		
Printed Name Steven L. Aighlander Reg. No. 37,642				
Date March 21, 2008				
		EXPRESS MAIL MAILING LABEL NUMBER EV 674811651 US DATE OF DEPOSIT March 21, 2006		

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BENOIT DE CROMBRUGGHE HARUHIKO AKIYAMA

Serial No.: 10/534,099

Filed: MAY 6, 2005

For: HA4, A NEW OBSTEOBLAST-AND CHONDROCYTE-SPECIFIC SMALL

SECRETED PEPTIDE, COMPOSITIONS

AND MEHTODS OF USE

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSC:772US

EXPRESS MAIL MAILING LABEL

NUMBER EV 674811651 US

DATE OF DEPOSIT March 21, 2006

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) AND THE NOTIFICATION OF DEFECTIVE RESPONSE

MS PCT

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated December 22, 2005 and also the Notification of Defective Response dated January 10, 2006, there are enclosed herewith:

- (a) Two Declarations executed on behalf of BENOIT DE CROMBRUGGHE AND HARUHIKO AKIYAMA;
- (b) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
- (c) Computer Readable Form of Sequence Listing;
- (d) Paper Copy of Sequence Listing;

25637188.1

(e) Our check in the amount of \$60.00 to cover the one month extension of time fee;

(f) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the

United States Designated/Elected Office (DO/EO/US) and the Notification of

Defective Response; and

(g) A Request for Extension of Time of one month to and including March 22, 2006.

Should such request be absent, consider this such a request and authorization to

withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM

and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.

§§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an

overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees

from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:772US.

Please date stamp and return the accompanying postcard to evidence receipt of these

documents.

Respectfully submitted,

Steven L Highlander

Reg. No. 37,642

FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400

Attorney for Applicants

Date:

Austin, Texas 78701

(512) 474-5201

March 21, 2006



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO. 10/534.099 Benoit De Crombrugehe TUSC:772US

INTERNATIONAL APPLICATION NO.

PCT/US03/35139

I.A. FILING DATE

PRIORITY DATE

11/04/2003

11/04/2002

CONFIRMATION NO. 2102 371 FORMALITIES LETTER

OC000000017812418

32425 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. **SUITE 2400** AUSTIN, TX 78701

Date Mailed: 01/10/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

Indication of Small Entity Status

Priority Document

- Copy of the International Application filed on 05/06/2005
- English Translation of the IA filed on 05/16/2005
- Copy of the International Search Report filed on 05/06/2005
- Preliminary Amendments filed on 05/06/2005
- Biochemical Sequence Diskette filed on 05/16/2005
- Biochemical Sequence Listing filed on 05/16/2005
- Small Entity Statement filed on 05/06/2005
- Copy of references cited in ISR filed on 05/16/2005
- U.S. Basic National Fees filed on 05/06/2005
- Assignment filed on 05/16/2005
- Priority Documents filed on 05/06/2005

FULBRIGHT & JAWORSKI, LLP IPT/DOCKETING

Docketed Not Req'd Confirmation

Initials 1st

Initials 2nd

Missing Parts due 2/22/06.

Final 1/22/06

Applicant's response filed 05/16/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 12/22/2005 have not been completed.

A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1,822 and/or 1,823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the resp inse within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the N tification of Missing Requirements, whichever is the longer. No extension of this tim limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under

37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,099	PCT/US03/35139	TUSC:772US

FORM PCT/DO/EO/916 (371 Formalities Notice)

STIC Biotechnology Systems Branch

puil

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:	/0/534.099
Source:	PGT/10
Date Processed by STIC:	5//6/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 4.2.2 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street. Alexandria, VA 22314

Revised 01/24/05



PCT

RAW SEQUENCE LISTING DATE: 05/16/2005
PATENT APPLICATION: US/10/534,099 TIME: 12:07:15

Input Set : E:\UTSC772US.APP.txt

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             AKIYAMA, HARUHIKO
      6 <120> TITLE OF INVENTION: HA4, A NEW OSTEOBLAST- AND CHONDROCYTE-SPECIFIC SMALL
             SECRETED PEPTIDE, COMPOSITIONS AND METHODS OF USE
      9 <130> FILE REFERENCE: UTSC:772US
C--> 11 <140> CURRENT APPLICATION NUMBER: US/10/534,099
     12 <141> CURRENT FILING DATE: 2005-05-06
     14 <150> PRIOR APPLICATION NUMBER: PCT/US2003/035139
                                                              M3,6
     15 <151> PRIOR FILING DATE: 2003-11-04
     17 <150> PRIOR APPLICATION NUMBER: 60/423,690
    18 <151> PRIOR FILING DATE: 2002-11-04
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    44 Phe Leu Val Leu Leu Leu Gln Leu Ser Ala Pro Ser Ser Ala Ser
    47 gag aac ccc aag gtg aag caa aaa gcg ctg atc cgg cag agg gag gtg
                                                                          144
    48 Glu Asn Pro Lys Val Lys Gln Lys Ala Leu Ile Arg Gln Arg Glu Val
    49
                35
                                    40
    51 gta gac ctg tat aat gga atg tgt cta caa gga cca gca gga gtt ccc
                                                                         192
    52 Val Asp Leu Tyr Asn Gly Met Cys Leu Gln Gly Pro Ala Gly Val Pro
                                55
    55 ggt cgt gat ggg agc cct ggg gcc aat ggc att cct ggc aca cct ggc
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    56 Gly Arg Asp Gly Ser Pro Gly Ala Asn Gly Ile Pro Gly Thr Pro Gly
                            70
    59 atc cca ggt cgg gat gga ttc aaa ggg gaa aag gga gaa tgc tta agg
                                                                         288
    60 Ile Pro Gly Arg Asp Gly Phe Lys Gly Glu Lys Gly Glu Cys Leu Arg
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    63 gaa agc ttt gag gag tcc tgg acc cca aac tat aag cag tgt tcg tgg
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RAW SEQUENCE LISTING DATE: 05/16/2005
PATENT APPLICATION: US/10/534,099
TIME: 12:07:15

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                                120
71 ttc acg aag atg cgc tcc aac agt gct ctg cga gtt ctg ttc agt ggc
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72 Phe Thr Lys Met Arg Ser Asn Ser Ala Leu Arg Val Leu Phe Ser Gly
                           135
75 tca ctt cgg ctc aaa tgc agg aat gca tgc tgt cag cgc tgg tat ttt
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                       150
                                           155
79 aca ttt aat gga gct gaa tgt tca gga cct ctt ccc atc gaa gcc atc
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80 Thr Phe Asn Gly Ala Glu Cys Ser Gly Pro Leu Pro Ile Glu Ala Ile
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83 atc tat ctg gac caa gga agc cct gag tta aat tca act att aat att
84 Ile Tyr Leu Asp Gln Gly Ser Pro Glu Leu Asn Ser Thr Ile Asn Ile
               180
                                   185
87 cat cgt act tcc tct gtg gaa gga ctc tgt gaa ggg att ggt gct gga
88 His Arg Thr Ser Ser Val Glu Gly Leu Cys Glu Gly Ile Gly Ala Gly
89
           195
                               200
91 ttg gta gat gtg gcc atc tgg gtt ggc acc tgt tca gat tac ccc aaa
                                                                      672
92 Leu Val Asp Val Ala Ile Trp Val Gly Thr Cys Ser Asp Tyr Pro Lys
                           215
95 gga gac gct tct act gga tgg aat tcc gtg tct cgc atc atc att gaa
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             35
120 Val Asp Leu Tyr Asn Gly Met Cys Leu Gln Gly Pro Ala Gly Val Pro
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                             55
122 Gly Arg Asp Gly Ser Pro Gly Ala Asn Gly Ile Pro Gly Thr Pro Gly
124 Ile Pro Gly Arg Asp Gly Phe Lys Gly Glu Lys Gly Glu Cys Leu Arg
126 Glu Ser Phe Glu Glu Ser Trp Thr Pro Asn Tyr Lys Gln Cys Ser Trp
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RAW SEQUENCE LISTING DATE: 05/16/2005
PATENT APPLICATION: US/10/534,099 TIME: 12:07:15

Input Set : E:\UTSC772US.APP.txt

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     130 Phe Thr Lys Met Arg Ser Asn Ser Ala Leu Arg Val Leu Phe Ser Gly
                                 135
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     133 145
                             150
                                                  155
     134 Thr Phe Asn Gly Ala Glu Cys Ser Gly Pro Leu Pro Ile Glu Ala Ile
                         165
                                              170
     136 Ile Tyr Leu Asp Gln Gly Ser Pro Glu Leu Asn Ser Thr Ile Asn Ile
                     180
                                          185
     138 His Arg Thr Ser Ser Val Glu Gly Leu Cys Glu Gly Ile Gly Ala Gly
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                                     200
     140 Leu Val Asp Val Ala Ile Trp Val Gly Thr Cys Ser Asp Tyr Pro Lys
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RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/534,099 TIME: 12:07:15

DATE: 05/16/2005

Input Set : E:\UTSC772US.APP.txt

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/534,099 TIME: 12:07:15

DATE: 05/16/2005

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234 caaaccagca atgettette caaatgteet etgetgttte eeagteeege gttggttege 4320
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237 aagacatcag tetgatcaag gtteaatttt aetatttgga gacactgggt tatgaagtag 4500
238 agggaggggc ccattectgc caaatcatcc ttggagteca gtttcaggtg accaegtgtt 4560
239 ggctccggaa cagctaggcc gcaggtagca gcagtgggag tgacaggctc cacccctgat 4620
240 gctctnttag ccctaacagt caaacctgat cagccagatt tcaggctggg ggggaggtta 4680
242 attgagacag gaatttgctg tgtagccttt attgtcttgg aatttgctct gtaaactagg 4800
243 ctgtccatga actcacagag atctacctgc ctttgcctcc ctagtgctgg ggttaaaggt 4860
244 gttcaccacc accacctage ceataatete atattetate aagggattta ggtteeataa 4920
245 atgcacttat cataagaggt tccaacagat ggaacacaac tacacagtat aaggtggact 4980
246 aatacatgtg tgtccttggt gaagaatccc ttatcttatg tcctttcatg tgcttgcttt 5040
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251 cacagtgtcc cagatttcct ggatgttttg aaccaggagt tatttttaga ttgaacattt 5340
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258 gtaggagcat gtctttgttg tgtacttatt ttgctcctat tggttagggt attcaactat 5760
259 ggcagaggac ttgcctcatc ttatattcat gtcttagctt gccaaccagg atatcagttt 5820
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278 caaactatat taatctgatg tgaaataagc acgtgaaagt gaacctccag cactgaatgt 6960
279 tggctatttt ctaccagcct cagttcacct atgaatggag actccaggct gcatcgtccc 7020
```

10/534,099

from Sequerce 3

last "n" in Sequerce 3

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 05/16/2005 PATENT APPLICATION: US/10/534,099 TIME: 12:07:16

Input Set : E:\UTSC772US.APP.txt

Output Set: N:\CRF4\05162005\J534099.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

```
Seq#:3; N Pos. 265,1987,2010,2018,2032,2339,2355,2375,2383,2436,2955,2959
Seq#:3; N Pos. 2962,2998,4626,8255,18422,18460,18464,18484,18495,18508
Seq#:3; N Pos. 18520,18524,18560,18570,18571,18576,18591,18594,18610,18613
Seq#:3; N Pos. 18614,18619,18632,18633,18634,18635,18636,18637,18638,18639
Seq#:3; N Pos. 18640,18641,18642,18643,18644,18645,18646,18647,18648,18649
Seq#:3; N Pos. 18650,18651,18652,18653,18654,18655,18656,18657,18658,18659
Seq#:3; N Pos. 18660,18661,18662,18663,18664,18665,18666,18667,18668,18669
Seq#:3; N Pos. 18670,18671,18672,18673,18674,18675,18676,18677,18678,18679
Seq#:3; N Pos. 18680,18681,18682,18683,18684,18685,18686,18687,18688,18689
Seq#:3; N Pos. 18690,18691,18692,18693,18694,18695,18696,18697,18698,18699
Seq#:3; N Pos. 18700,18701,18702,18703,18704,18705,18706,18707,18708,18709
Seq#:3; N Pos. 18710,18711,18712,18713,18714,18715,18723,18735,18855
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VERIFICATION SUMMARY

DATE: 05/16/2005

PATENT APPLICATION: US/10/534,099

TIME: 12:07:16

Input Set : E:\UTSC772US.APP.txt

Output Set: N:\CRF4\05162005\J534099.raw

L:11 M:270 C: Current Application Number differs, Replaced Current Application Number L:167 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:240

M:341 Repeated in SeqNo=3